

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**TERRI PECHNER-JAMES and  
SONIA FERNANDEZ, Plaintiffs,**

**v.**

**C.A. No. 03-12499-MLW**

**CITY OF REVERE, THOMAS AMBROSINO,  
MAYOR, CITY OF REVERE POLICE  
DEPARTMENT, TERRENCE REARDON,  
CHIEF OF POLICE, BERNARD FOSTER,  
SALVATORE SANTORO, ROY COLANNINO,  
FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO, MICHAEL  
MURPHY and STEVEN FORD,  
Defendants,**

**PLAINTIFF, SONIA FERNANDEZ, MOTION FOR SUMMARY JUDGMENT  
PURSUANT TO FED R. CIV. P. 56(C)**

Now comes the Plaintiff, Sonia Fernandez, and moves this Honorable Court to grant her summary judgment forthwith on all issues against the policymakers, City of Revere, City Council and the Mayor of the City of Revere. The Plaintiff states the following in support of her Motion:

1. The issues of disability, permanence, causality and loss of employment have been determined by prior state adjudication; **[Exhibit J]** Massachusetts state law is recognized by the Federal courts and res judicata and collateral estoppel prevent re-litigation of these issues. The Plaintiff has filed a brief: Administrative Determination in Federal Court: the Application of Res Judicata and Collateral Estoppel.
2. The Plaintiff has been adjudicated disabled by the hostile environment of the Revere Police Department. She is unable to perform the essential duties of her job as a Revere Police Officer as a result of her disability. The only issue that remains is whether the Defendants' conduct satisfies the four counts of Plaintiff's complaint. This is a legal issue and can be appropriately resolved by the court and the Plaintiff has provided a

Memorandum which cites persuasive authority that Plaintiff is entitled to summary judgment as a matter of law on all four counts of Plaintiff's Verified Complaint

3. There remains no genuine issue as to any material fact and the Plaintiff is entitled to summary judgment on the legal issues resolved by the administrative hearing and on the remaining legal issue.

Respectfully submitted,

Sonia Fernandez

By her attorney,

/s/James S. Dilday

James S. Dilday, BBO# 124360

Dilday & Associates, LLC

27 School Street Suite 400

Boston, MA 02108

(617) 227-3470

Dated: 1/23/07

**Certificate of Service**

I hereby certify that I have caused to be served a true copy of the foregoing document and all attachments to all parties of record by the electronic filing of same with the CM/ECF Pacer System on January 23, 2008.

/s/ James S. Dilday

James S. Dilday